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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 002870

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SUBJECT: NOOSE TIGHTENS AROUND PLATEAU STATE GOVERNOR
JOSHUA DARIYE

REF: A. ABUJA 2766

1B. ABUJA 2817

Classified By: Political Counselor Russell J. Hanks for Reasons 1.4 (b and d)

11. (C) SUMMARY. A visit by PolOff and PolFSN October 29-31 suggests that the political situation in Plateau State is growing increasingly difficult for Governor Joshua Dariye. A close reading of the Nigerian constitution reveals that even a truncated state assembly of 8 members can vote to remove him. While he might previously have had the opportunity to negotiate a "soft landing" that would keep him out of jail after his removal from office, that moment appears to have passed. He is increasingly unpopular in his state, with what support he does draw coming from opposition to President Obasanjo rather than active support for him. While it is possible that communal violence would follow his removal from office, the more likely scenario is one of relative calm.
END SUMMARY.

12. (C) A close reading of the Nigerian constitution reveals that even a truncated state assembly of 8 members can vote to remove Dariye from office. Reftels reported that 14 members of the state house of assembly were removed for switching parties, and 2 more were removed for ethical questions. However, attorneys Samaila Mohammed and Ahmed Garba showed EmbOffs the constitutional reasoning which would allow the 8 remaining members to vote for impeachment. Section 109(1)(g) of the 1999 Constitution says that a person who is elected to a state House of Assembly as the candidate of one political party who subsequently leaves that party shall have vacated his seat. However, in other instances INEC has endorsed party-switching and in several cases argued the candidate's primacy over the party at election tribunals. As INEC is prone to do, however, it also argued the opposite at other tribunals.

13. (C) Section 96 of the 1999 Constitution also says that "The quorum of a House of Assembly shall be one-third of all the members of the House," signifying that the 8 remaining members would be the minimum required to conduct business. Those 8 members met and suspended their own rules allowing only six members to act on impeachment. While the law, even being implemented selectively, would appear to permit this action, the political appropriateness of the idea remains in question (see comment).

14. (C) While Dariye might previously have had the opportunity to negotiate a "soft landing" that would keep him out of jail after his removal from office, that moment appears to have passed. Reverend Yakuba Pam, local leader of the Christian Association of Nigeria (CAN) and a close

associate of Dariye, reports that he was once told by those close to Obasanjo to pass word to Dariye that he would be given another government post such as senator or ambassador if he were to resign as governor. (Note: We believe Pam is exaggerating the situation. While we do believe some sort of offer was made, it is unlikely that he would be allowed to swap the governorship for a seat in the Senate. End Note.) Pam says that Dariye rejected the offer and that it is no longer on the table. PDP state secretary Sale Bayari, PDP gubernatorial candidate Jimmy Cheto, and other knowledgeable sources all report that Dariye was offered various deals which would allow him to resign and minimize or avoid a jail sentence. (Note: This is significant, because governors lose their criminal immunity when they leave office. End Note.) He turned down those opportunities, and all sources now indicate that the door has all but closed on any deal. The feeling is that impeachment is within reach and no deal is necessary.

¶5. (C) Dariye is increasingly unpopular in his state, with what support he does draw coming from opposition to President Obasanjo rather than active support for the governor. Even those with whom EmbOffs spoke who opposed impeachment acknowledged that Dariye jumped bail in London, has stolen a vast sum of money, and has not produced meaningful results for his state. Some reports indicate that local teachers are on strike because they have not been paid their salaries, and many unconfirmed stories blame Dariye for stealing money that should have been spent on civic improvements. Even if untrue, the repetition of these stories by the people with whom we spoke indicates that there is no groundswell of support for Dariye. While some want him to stay in office because of their opposition to Obasanjo, we were unable to find anyone who wanted him to stay because they believe he is a good governor. This will make it difficult for him to

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motivate a groundswell of support to keep him in office.

¶6. (C) While it is possible that communal violence would follow Dariye's removal from office, the more likely scenario is one of relative calm. Some speculate that once Dariye accepts the inevitability of his removal from office he will intentionally spur violence. This would cause a state of emergency during which he would likely be suspended. However, he would retain his immunity while suspended. Additionally, the confusion might allow him some avenue for holding on to power. Local PDP leaders raised the possibility that Dariye is using state funds to secure private "militias," similar to normal politics in the Delta region. Sale Bayari told us Dariye sent PDP elder Solomon Lar to churches on Sunday, October 22 to stir up religious division. This division is based on the fact that Deputy Senate President Mantu, Dariye's perceived political opponent, is Muslim. (Note: PDP officials say they do not know whether Mantu will run for Senate again, believing he instead intends to seek higher office such as the Vice Presidency. He has yet to pick up a candidate application, but has instructed some of his close friends to obtain applications on their own behalf. End Note.)

¶7. (C) While communal violence is certainly possible, we believe it is more likely that the state will remain relatively calm. In spite of limited violence reported in reftels and Lar's reported attempts to stir division, the state is currently calm. There is a visible security presence in the state which several observers told us has recently been sent in to forestall any violence. This does not mean that there will be no violence at all, but rather that any outbreaks of violence could be contained. Another factor limiting violence is that many of Dariye's constituents dislike him, and his removal would not offend them. Finally, while we believe the reports of "militias" to be exaggerated, we believe he does have "area boys" likely paid from official funds. These people would be there to stir up trouble. However, once Dariye is removed from office

the official funds he likely uses as a primary source for securing their services will no longer be available to him. Since the services of the "area boys" are secured through cash rather than loyalty, Dariye's inability to pay them would mean the troublemakers would remain quiet.

¶8. (C) COMMENT. One political issue remains, however, and that is the propriety of removing the 14 members from office.

To date, others who have switched parties have been allowed to continue. Case in point is the entire state apparatus of Jigawa state which switched from ANPP to PDP. As long as the judiciary, national assembly and state structures are unable to operate independently, this arbitrary application of regulations has the potential to fan the discontent smoldering throughout the country. While the removal of those legislators could theoretically be legal, it was neither politically advisable nor consistent with the actions taken in Jigawa State. END COMMENT.

CAMPBELL